

**AMENDMENT TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 3. In Figure 3, item 32 is now labeled as image extraction device 32.

Attachment: Replacement Sheet for Figure 3

### **REMARKS**

The Office Action dated July 3, 2006, and the patents and publications relied on therein have been carefully reviewed, and in view of the above changes and following remarks reconsideration and allowance of all the claims pending in the application are respectfully requested.

#### **The Title**

Assignee has amended the title to address an informality identified by the Examiner. Assignee has amended the title to now be:

#### **TECHNIQUE FOR TRANSFERRING IMAGE INFORMATION FROM A SCANNING APPARATUS**

Consequently, Assignee respectfully requests that the Examiner withdraw this objection.

#### **Amendments To The Abstract**

Assignee has amended the Abstract to address informalities identified by the Examiner. Assignee respectfully notes that the changes to the Abstract are merely directed to form and minor informalities.

A rewritten Abstract has been included as an Appendix following the last page of this response.

Consequently, Assignee respectfully requests that the Examiner withdraw the objection to the Abstract.

### **Amendments To The Specification**

Assignee has amended the specification, as set forth above, to generally improve the form of the specification by correcting several informalities. It is noted that these changes are directed merely to form and minor informalities.

### **The Objection To The Drawings**

The drawings stand objected to under 37 C.F.R. § 1.83(a) as needing to show every feature of the invention specified in the claims. In particular, the Examiner indicates that "adjusting time via shift signal according to speed of reading the data of the scan lines by the computer" must be shown.

Assignee respectfully submits that the limitation referred to by the Examiner is illustrated in Figure 4. More specifically, if the shift signal transmits each pixel of the data of the scan line to the computer in a time shorter than the period of the transfer signal, a waiting time is added to allow for the shorter time that the computer needs to read the pixel data. This aspect is shown in Figure 4 by the three exemplary waiting times. Similarly, when more time is needed for the computer to read pixel data, the shift signal is lengthened. This aspect is shown in Figure 4 as the two relatively longer shift signals PH. Thus, Figure 4 illustrates "adjusting time via shift signal according to speed of reading the data of the scan lines by the computer".

Additionally, Assignee has amended Figure 3 to correct an informality. Specifically, Figure 3 now shows an image extraction device 32. A replacement sheet for Figure 3 is attached as an Appendix following the last page of this response. Assignee respectfully notes that the changes to Figure 3 are merely directed to form and minor informalities.

Assignee respectfully requests that the Examiner withdraw this objection.

### **The Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1 and 9 have been amended, as set forth above, to address issues raised by the Examiner. The changes should not be interpreted as indicating agreement by the Assignee with the Examiner's position. Rather, Assignee believes that these changes are directed merely to minor aspects of form and, as such, do not narrow claim scope or result in prosecution-history estoppel.

Additionally, claims 2-5 and 7 have been amended for consistency with amended claim 1, and claims 10-13 and 15 have been amended for consistency with amended claim 9. Assignee believes that these changes are directed merely to minor aspects of form and, as such, do not narrow claim scope or result in prosecution-history estoppel.

Claims 8 and 16 have been canceled without prejudice or disclaimer of the subject matter contained therein. Assignee believes that the changes to claims 8 and 16 are directed merely to minor aspects of form and, as such, do not narrow claim scope or result in prosecution-history estoppel.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection.

### **The Rejection Under 35 U.S.C. § 103(a) Over Shinsky In View of Armstrong**

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Shinsky et al. (Shinsky), U.S. Patent No. 6,285,398 B1, in view of Armstrong et al. (Armstrong), U.S. Patent 6,580,457 B1. This rejection is respectfully traversed.

Assignee respectfully submits that the present invention according to any of claims 1-7 and 9-15 (claims 8 and 16 have been canceled) is patentable over Shinsky in view of Armstrong. Assignee respectfully submits that the method resulting from the proffered combination is not the present invention.. Further, the applied patents are not properly combinable to form a basis for rejection of these claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Even if the proffered combination of Shinsky and Armstrong is formed, the resulting method would still lack one or more elements of each of claims 1-7 and 9-15.

Regarding claim 1, Assignee respectfully submits that neither Shinsky nor Armstrong disclose or suggest a method of transferring image information from a scanning apparatus, wherein the scanning apparatus comprises no memory buffer. Shinsky discloses a memory circuit 104 into which raw video data is written before transmission to host computer 200. (See Shinsky, column 4, line 54, through column 5, line 1, and Figure 3.) Armstrong discloses a line store memory 34 into which digital data from sensor 20 is stored before being sent to host computer 12. (See Armstrong, column 3, lines 33-48, and Figure 1.)

Thus, claim 1 is allowable over Shinsky in view of Armstrong. It follows that claims 2-7, which each incorporate the limitations of claim 1, are each allowable over Shinsky in view of Armstrong for at least the same reasons that claim 1 is considered allowable.

Regarding claim 9, Assignee respectfully submits that claim 9 is allowable over Shinsky in view of Armstrong for reasons that are similar to the reasons that claim 1 is considered allowable. It follows that claims 10-15, which each incorporate the limitations of claim 9, are each allowable over Shinsky in view of Armstrong for at least the same reasons that claim 9 is considered allowable.

Regarding the Examiner's proffered motivation for combining Shinsky and Armstrong, contrary to the Examiner's statement, there simply is no suggestion in either Shinsky or Armstrong to modify the "imaging device of Shinsky et al. to include: adjusting a period of the shift signal according to the speed of reading the data of the scan line by the computer, allowing the computer to finish reading the data of the scan line in the exposure time." Regarding

Shinsky, the Examiner admits that "Shinsky does not expressly teach adjusting a period of the shift signal according to a speed of reading the data of the scan line by the computer, allowing the computer to finish reading the data of the scan line in the exposure time." (See Office Action dated July 3, 2006, page 5, lines 20-22.) Because Shinsky does not expressly provide such a teaching, it follows that Shinsky cannot provide a suggestion for such a teaching, otherwise the Examiner would not need to rely on a combination of Shinsky and Armstrong.

Accordingly, if a proper suggestion exists for the combination of Shinsky and Armstrong as a basis for the rejection of claims 1-7 and 9-15, such a suggestion must be provided by Armstrong. The portion of Armstrong cited by the Examiner as teaching "adjusting a period of the shift signal according to a speed of the computer ..." actually discloses clock signals generated by a timing generator 32 for outputting output digital data that is stored in a memory 34. While Armstrong discloses that host computer 12 controls camera operation (see Armstrong, column 3, lines 61-65), it should be noted that the frame rate improvement provided by Armstrong is by reducing the number of lines that are clocked out of the imager (see Armstrong, column 5, lines 27-30.)

Regarding the Examiner second proffered motivation for combining Shinsky and Armstrong, Assignee respectfully submits that the Examiner has not provided any specificity as to where either Shinsky or Armstrong provides such a suggestion for combination.

Thus, Assignee respectfully submits that the proffered combination of Shinsky and Armstrong is formed by impermissible hindsight because neither Shinsky nor Armstrong suggest the proffered combination.

Neither of the applied patents provides a proper suggestion for combination, and even if they did, the method resulting from the proffered combination is simply not the claimed invention. It is only by the Assignee's disclosure that the Examiner can select particular features of Shinsky and Armstrong to attempt to make the rejection.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection and allow claims 1-7 and 9-15.

Assignee notes that additional patentable distinctions between Shinsky and Armstrong and the rejected claims exist; however, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

### CONCLUSION

In view of the above amendments and arguments, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

A general authorization under 37 C.F.R. § 1.25(b), second sentence, is hereby given to credit or debit Deposit Account No. 50-3703 for the instant filing and for any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18.

It is requested that this application be passed to issue with claims 1-7 and 9-15.

Respectfully submitted,

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#### Abstract of the Disclosure

A technique for transferring image information from scanning apparatus includes adjusting the period of a shift signal according to the speed of reading data from a scan line by a computer instead of using a memory buffer. Therefore, correct data transmission between the image extraction device and the computer can be achieved with the result of reducing the cost of the scanning apparatus.